Attorney's Docket No. 07539.120

PATENT

In The United States Patent And Trademark Office

In re: Roy Hays et al.

Appl. No.: 09/782,685   Group Art Unit: 2155

Filed: February 13, 2001   Examiner: Tran, Philip B.

For: METHOD AND SYSTEM FOR COLLECTING INFORMATION AT
            DISTRIBUTED LOCATIONS

DECLARATION OF BILLY W. HENSLEY AND ROY HAYS
UNDER 37 C.F.R. §§ 1.131 & 1.132

We, Billy W. Hensley and Roy Hay, being joint inventors of the claimed subject matter,

do hereby declare and say as follows:

1.   We are the joint inventors of the inventions claimed in the original and pending

claims of the above-captioned patent application.

2.   We have read and understand the above-captioned patent application, including

the original specification and claims. We also have read and understand the Office Action dated

January 12, 2007 and claims 1-13.

3.   We conceived and invented the subject matter of claims 1-13 of the patent

application prior to the December 24, 1999 filing date of U.S. Patent No. 6,336,136 to Harris

(hereinafter "Harris"), and diligently reduced the claimed invention to practice.

4.   Attached as Exhibit A is a hardcopy print-out of the software code relating to this

application existing as of February 29, 2000. The top line of each page of the hardcopy print-out

includes a directory path.

5.   The Examiner has already accepted the Declaration filed October 27, 2006 as establishing that the invention had been reduced to practice before April 14, 2000, as evidenced by the Examiner's withdrawal of the rejection based on U.S. Patent No. 6,403,897 to Bluth.

6.   Exhibit A establishes our efforts in reducing the invention to practice, as those efforts existed on February 29, 2000. A comparison of Exhibit A and the computer code as it existed on April 14, 2000 (as submitted with the October 27, 2006 Declaration) establishes the continuing diligence exercised by us between February 29, 2000 and April 14, 2000.

7.   February 29, 2000 is the earliest check-in date established by the exhibits produced with our earlier Declarations and Exhibit A. In actuality, development of the computer program checked-in on February 29, 2000 started much earlier than the December 24, 1999 filing date of Harris.

8.   As the software representing the claimed invention was being developed, a master copy was retained on a main computer server. As a routine, copies of the software code were checked out of the server to individual programmers such as ourselves for development. The checked-out copies were loaded on to individual work stations, where the development work took place and the software code was updated. Periodically, the updated software code was uploaded from individual work stations to the main computer server. This routine started well before December 24, 1999, and continued throughout development of the invention.

9.   Development of the software code continued diligently throughout the period of December 24, 1999 through February 29, 2000. Per our normal routine described above in paragraph 8, software code updates made throughout this period were checked into the server for archive and organization purposes, and copies were routinely checked out of the server to work stations for development.

10.   In or about the beginning of February of 2000, possibly as early as about January 15, 2007, the server containing the computer program code and all archived "checked-in" files crashed. Extensive efforts to repair the server and recover data saved on the server were unsuccessful. As a consequence, the server had to be replaced in late February of 2000. All archived records of the software code checked in during and prior to the December 24, 1999 through February 29, 2000 period were permanently and irrevocably lost because of the server crash.

11.   Fortunately, at least one copy of the most up-to-date software code as it existed at the time of the server crash was saved to the individual work station computers for development purposes. A copy of the software code was copied from the work stations and checked into the replacement server on or about February 29, 2000. Unfortunately, all historical, archived copies of the software code on the server at the time of the computer crash, including all previous checked-in updates of the software code, were lost with the server crash.

12.   The files listed below and attached as Exhibit A were checked-into the replacement server on February 29, 2000, and are the same files that existed at the time of the server crash in January or February 2000. These files were prepared according to the routine described above in paragraph 8 over an ongoing period dating back almost a year before their February 29, 2000 check-in into the replacement server.

Directory of C:\stephene\Patent3\Lifeclinic\LCServices\LCBroker

02/29/2000 12:35 PM	7,618	CoLCBroker.cpp
02/29/2000 12:35 PM	2,531	CoLCBroker.h
02/29/2000 12:28 PM	4,596	Encryptor.cpp
02/29/2000 12:28 PM	982	Encryptor.h

02/29/2000 12:28 PM	1,368	errorMessage.h
02/29/2000 12:35 PM	727	idGen.h
02/29/2000 12:35 PM	12,637	ISLXmlCmdsImpl.h
02/29/2000 12:35 PM	11,816	LCBroker.cpp
02/29/2000 04:39 PM	35,554	LCBroker.dsp
02/29/2000 12:35 PM	1,137	LCBroker.idl
02/29/2000 12:35 PM	2,862	LCBroker.rc
02/29/2000 12:35 PM	853	LCBroker.rgs
02/29/2000 12:35 PM	476	LCBrokerps.mk
02/29/2000 12:28 PM	11,671	Logging.cpp
02/29/2000 12:28 PM	4,648	Logging.h
02/29/2000 12:28 PM	34,767	Registry.cpp
02/29/2000 12:28 PM	8,432	Registry.h
02/29/2000 12:28 PM	3,370	registryBase.cpp
02/29/2000 12:28 PM	815	registryBase.h
02/29/2000 12:28 PM	2,393	registryDB.cpp
02/29/2000 12:28 PM	681	registryDB.h
02/29/2000 12:35 PM	544	resource.h
02/29/2000 12:35 PM	1,582	rs.cpp
02/29/2000 12:35 PM	315	StdAfx.cpp
02/29/2000 12:35 PM	3,474	StdAfx.h
02/29/2000 12:35 PM	5,751	xc.cpp
02/29/2000 04:39 PM	9,194	xcLCBroker.cpp

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02/29/2000	12:37 PM	5,173	xcLCBroker.h
02/29/2000	12:37 PM	7,786	xcLCBrokerModify.cpp
02/29/2000	12:35 PM	21,520	xc_addInsurance.cpp
02/29/2000	12:35 PM	3,148	xc_changePassword.cpp
02/29/2000	12:35 PM	4,182	xc_createUser.cpp
02/29/2000	12:35 PM	302	xc_createUser.h
02/29/2000	12:35 PM	721	xc_delAudit.cpp
02/29/2000	12:35 PM	1,560	xc_delDiagnosis.cpp
02/29/2000	12:35 PM	1,453	xc_deleteAllergy.cpp
02/29/2000	12:35 PM	1,330	xc_DeleteCommands.h
02/29/2000	12:35 PM	2,859	xc_deleteEmploymentInfo.cpp
02/29/2000	12:35 PM	1,527	xc_deleteFamilyHistory.cpp
02/29/2000	12:35 PM	1,468	xc_deleteHealthConditions.cpp
02/29/2000	12:35 PM	1,465	xc_deleteImagingInfo.cpp
02/29/2000	12:35 PM	1,511	xc_deleteImmunizations.cpp
02/29/2000	12:35 PM	5,610	xc_deleteInsurance.cpp
02/29/2000	12:35 PM	1,489	xc_deleteMedications.cpp
02/29/2000	12:35 PM	1,140	xc_deletePhysical.cpp
02/29/2000	12:35 PM	1,834	xc_deleteReminder.cpp
02/29/2000	12:35 PM	1,465	xc_deleteSurgeryInfo.cpp
02/29/2000	12:35 PM	1,465	xc_deleteTherapyInfo.cpp
02/29/2000	12:35 PM	1,382	xc_deleteUnregisteredUser.cpp
02/29/2000	12:35 PM	3,770	xc_deleteUserPhysician.cpp

02/29/2000	12:35 PM	1,261	xc_delHcpOffice.cpp
02/29/2000	12:35 PM	1,286	xc_delHcpSpecialty.cpp
02/29/2000	12:35 PM	1,959	xc_execSearch.cpp
02/29/2000	12:35 PM	234	xc_execSearch.h
02/29/2000	12:35 PM	1,090	xc_getAccountInfo.cpp
02/29/2000	12:35 PM	1,286	xc_getAddressInfo.cpp
02/29/2000	12:35 PM	1,047	xc_getAdmit.cpp
02/29/2000	12:35 PM	1,103	xc_getAllergyInfo.cpp
02/29/2000	12:35 PM	807	xc_getBeds.cpp
02/29/2000	12:35 PM	2,668	xc_getBiographicsInfo.cpp
02/29/2000	12:35 PM	2,672	xc_getBloodPressureReadings.cpp
02/29/2000	12:35 PM	1,157	xc_getCareDirectives.cpp
02/29/2000	12:35 PM	2,169	xc_getCholesterolReadings.cpp
02/29/2000	12:35 PM	2,710	xc_getCodeCats.cpp
02/29/2000	12:35 PM	249	xc_getCodeCats.h
02/29/2000	12:35 PM	3,534	xc_getCodes.cpp
02/29/2000	12:35 PM	3,998	xc_GetCommands.h
02/29/2000	12:35 PM	835	xc_getCompany.cpp
02/29/2000	12:35 PM	1,540	xc_getConvertPc.cpp
02/29/2000	12:35 PM	1,139	xc_getCurrConvertPc.cpp
02/29/2000	12:35 PM	1,316	xc_getCurrEncounter.cpp
02/29/2000	12:35 PM	1,288	xc_getCurrEncounterId.cpp
02/29/2000	12:35 PM	1,071	xc_getCurrLoa.cpp

02/29/2000	12:35 PM	1,127 xc_getCurrPreAdmit.cpp
02/29/2000	12:35 PM	1,126 xc_getCurrTransfer.cpp
02/29/2000	12:35 PM	1,286 xc_getDiagnosis.cpp
02/29/2000	12:35 PM	1,109 xc_getDisability.cpp
02/29/2000	12:35 PM	1,108 xc_getDischarge.cpp
02/29/2000	12:35 PM	1,129 xc_getDischargeHistory.cpp
02/29/2000	12:35 PM	1,414 xc_getEmploymentInfo.cpp
02/29/2000	12:35 PM	1,760 xc_getEncounterTree.cpp
02/29/2000	12:35 PM	1,111 xc_getExternalIDs.cpp
02/29/2000	12:35 PM	862 xc_getFacilities.cpp
02/29/2000	12:35 PM	1,487 xc_getFamilyHistory.cpp
02/29/2000	12:35 PM	868 xc_getFamilyTree.cpp
02/29/2000	12:35 PM	1,112 xc_getGuarantorInfo.cpp
02/29/2000	12:35 PM	1,419 xc_getHealthConditions.cpp
02/29/2000	12:35 PM	2,014 xc_getIdealBpRanges.cpp
02/29/2000	12:35 PM	1,416 xc_getImagingInfo.cpp
02/29/2000	12:35 PM	1,469 xc_getImmunizations.cpp
02/29/2000	12:35 PM	850 xc_getInPatients.cpp
02/29/2000	12:36 PM	879 xc_getInsPlans.cpp
02/29/2000	12:36 PM	1,222 xc_getInsPlansByCompany.cpp
02/29/2000	12:36 PM	1,545 xc_getInsuranceCoverage.cpp
02/29/2000	12:36 PM	1,308 xc_getInsuranceInfo.cpp
02/29/2000	12:36 PM	933 xc_getLifeclinicStats.cpp

02/29/2000	12:36 PM	1,466	xc_getLoa.cpp
02/29/2000	12:36 PM	1,063	xc_getLoaHistory.cpp
02/29/2000	12:36 PM	1,320	xc_getMassMailing.cpp
02/29/2000	12:36 PM	1,443	xc_getMedications.cpp
02/29/2000	12:36 PM	1,076	xc_getMiscIDs.cpp
02/29/2000	12:36 PM	1,237	xc_getName.cpp
02/29/2000	12:36 PM	895	xc_getNewEncounterId.cpp
02/29/2000	12:36 PM	1,977	xc_getNewUnregUserId.cpp
02/29/2000	12:36 PM	1,716	xc_getNok.cpp
02/29/2000	12:36 PM	1,063	xc_getNokAll.cpp
02/29/2000	12:36 PM	2,513	xc_getPasswordReminder.cpp
02/29/2000	12:36 PM	1,109	xc_getPatientLocation.cpp
02/29/2000	12:36 PM	1,145	xc_getPatientStatus.cpp
02/29/2000	12:36 PM	1,154	xc_getPatientValuables.cpp
02/29/2000	12:36 PM	1,070	xc_getPerson.cpp
02/29/2000	12:36 PM	1,241	xc_getPhone.cpp
02/29/2000	12:36 PM	1,102	xc_getPhysicalInfo.cpp
02/29/2000	12:36 PM	1,118	xc_getPhysicianInfo.cpp
02/29/2000	12:36 PM	882	xc_getPhysicians.cpp
02/29/2000	12:36 PM	807	xc_getPocs.cpp
02/29/2000	12:36 PM	1,528	xc_getPreAdmit.cpp
02/29/2000	12:36 PM	2,658	xc_getPulseReadings.cpp
02/29/2000	12:36 PM	1,293	xc_getReminder.cpp

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02/29/2000 12:36 PM          816 xc_getRooms.cpp

02/29/2000 12:36 PM        1,109 xc_getSecurityInfo.cpp

02/29/2000 12:36 PM        1,231 xc_getSLMDLocations.cpp

02/29/2000 12:36 PM        1,913 xc_getStats.cpp

02/29/2000 12:36 PM          187 xc_getStats.h

02/29/2000 12:36 PM        1,416 xc_getSurgeryInfo.cpp

02/29/2000 12:36 PM        1,416 xc_getTherapyInfo.cpp

02/29/2000 12:36 PM        1,526 xc_getTransfer.cpp

02/29/2000 12:36 PM        1,346 xc_getUserBiographics.cpp

02/29/2000 12:36 PM        7,116 xc_getUserInsurance.cpp

02/29/2000 12:36 PM        4,773 xc_getUserPhysicians.cpp

02/29/2000 12:36 PM        1,398 xc_getUserPreference.cpp

02/29/2000 12:36 PM        2,657 xc_getWeightReadings.cpp

02/29/2000 12:36 PM          449 xc_insCodeCategory.cpp

02/29/2000 12:36 PM          448 xc_insCpiMaster.cpp

02/29/2000 12:36 PM          429 xc_insCpiUser.cpp

02/29/2000 12:36 PM          435 xc_insDiagnosis.cpp

02/29/2000 12:36 PM          444 xc_insEncounter.cpp

02/29/2000 12:36 PM          453 xc_insEncounterLog.cpp

02/29/2000 12:36 PM          445 xc_insEncounterMap.cpp

02/29/2000 12:36 PM          947 xc_InsertCommands.h

02/29/2000 12:36 PM          444 xc_insExternalCode.cpp

02/29/2000 12:36 PM          451 xc_insInternalCode.cpp
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02/29/2000 12:36 PM	435	xc_insSysOrg.cpp
02/29/2000 12:36 PM	6,245	xc_loginUser.cpp
02/29/2000 12:36 PM	276	xc_loginUser.h
02/29/2000 12:36 PM	1,168	xc_openDatabase.cpp
02/29/2000 12:36 PM	203	xc_openDatabase.h
02/29/2000 04:39 PM	634	xc_OtherCommands.h
02/29/2000 12:36 PM	5,815	xc_setAllergyInfo.cpp
02/29/2000 12:36 PM	3,875	xc_setBloodPressure.cpp
02/29/2000 12:36 PM	3,098	xc_setCholesterolReadings.cpp
02/29/2000 03:49 PM	1,332	xc_SetCommands.h
02/29/2000 12:36 PM	12,127	xc_setEmploymentInfo.cpp
02/29/2000 12:36 PM	1,518	xc_setFamilyHistory.cpp
02/29/2000 12:36 PM	1,488	xc_setHealthConditions.cpp
02/29/2000 12:36 PM	1,679	xc_setImagingInfo.cpp
02/29/2000 12:36 PM	1,523	xc_setImmunizations.cpp
02/29/2000 12:36 PM	31,186	xc_setInsurance.cpp
02/29/2000 12:36 PM	1,474	xc_setMedications.cpp
02/29/2000 12:36 PM	2,739	xc_setReminder.cpp
02/29/2000 12:36 PM	3,743	xc_setSLMDLocations.cpp
02/29/2000 12:36 PM	1,477	xc_setSurgeryInfo.cpp
02/29/2000 12:36 PM	1,679	xc_setTherapyInfo.cpp
02/29/2000 12:36 PM	3,554	xc_setUnregisteredUser.cpp
02/29/2000 12:36 PM	4,930	xc_setUserBiographics.cpp

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02/29/2000  12:36 PM          19,645 xc_setUserPhysicians.cpp

02/29/2000  12:36 PM           1,287 xc_setUserPreference.cpp

02/29/2000  12:36 PM           1,812 xc_UpdateCommands.h

02/29/2000  12:36 PM             439 xc_uptAddressInfo.cpp

02/29/2000  12:36 PM             417 xc_uptAdmit.cpp

02/29/2000  12:36 PM           2,054 xc_uptBiographics.cpp

02/29/2000  12:36 PM             499 xc_uptCareDirectives.cpp

02/29/2000  12:36 PM             431 xc_uptCompany.cpp

02/29/2000  12:36 PM             447 xc_uptConvertPc.cpp

02/29/2000  12:36 PM             445 xc_uptDiagnosis.cpp

02/29/2000  12:36 PM             445 xc_uptDischarge.cpp

02/29/2000  12:36 PM             449 xc_uptEmployment.cpp

02/29/2000  12:36 PM             501 xc_uptEncounter.cpp

02/29/2000  12:36 PM             439 xc_uptEncounterHcp.cpp

02/29/2000  12:36 PM             542 xc_uptEncounterLog.cpp

02/29/2000  12:36 PM             462 xc_uptExternalCode.cpp

02/29/2000  12:36 PM             448 xc_uptFacility.cpp

02/29/2000  12:36 PM             448 xc_uptGuarantor.cpp

02/29/2000  12:36 PM             424 xc_uptIdMap.cpp

02/29/2000  12:36 PM             448 xc_uptInsurance.cpp

02/29/2000  12:36 PM             476 xc_uptInsurancePlan.cpp

02/29/2000  12:36 PM             406 xc_uptLoa.cpp

02/29/2000  12:37 PM             433 xc_uptMiscIds.cpp
```

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02/29/2000 12:37 PM   410 xc_uptName.cpp

02/29/2000 12:37 PM   405 xc_uptNok.cpp

02/29/2000 12:37 PM   434 xc_uptPatient.cpp

02/29/2000 12:37 PM   424 xc_uptPerson.cpp

02/29/2000 12:37 PM   420 xc_uptPhone.cpp

02/29/2000 12:37 PM   441 xc_uptPhysical.cpp

02/29/2000 12:37 PM   446 xc_uptPreAdmit.cpp

02/29/2000 12:37 PM   441 xc_uptTransfer.cpp

02/29/2000 12:37 PM   9,925 xmlCommand.cpp

02/29/2000 12:37 PM   3,212 xmlCommand.h

02/29/2000 12:31 PM   7,975 xmlParser.cpp

02/29/2000 12:31 PM   6,106 xmlParser.h

Directory of C:\stephene\Patent3\Lifeclinic\LCServices\LCKioskClient

02/29/2000 03:23 PM   6,558 dialer.cpp

02/29/2000 03:23 PM   1,008 dialer.h

02/29/2000 12:28 PM   4,596 Encryptor.cpp

02/29/2000 12:28 PM   982 Encryptor.h

02/29/2000 12:28 PM   4,224 filenameDelimited.cpp

02/29/2000 12:28 PM   2,463 filenameDelimited.h

02/29/2000 03:23 PM   18,376 LCKioskClient.aps

02/29/2000 03:23 PM   810 LCKioskClient.clw

02/29/2000 03:23 PM   12,691 LCKioskClient.cpp

02/29/2000 03:23 PM	6,452	LCKioskClient.dsp
02/29/2000 03:23 PM	1,350	LCKioskClient.h
02/29/2000 03:23 PM	439	LCKioskClient.idl
02/29/2000 03:23 PM	2,584	LCKioskClient.rc
02/29/2000 03:23 PM	199	LCKioskClient.rgs
02/29/2000 03:23 PM	255	LCKioskClientps.def
02/29/2000 03:23 PM	526	LCKioskClientps.mk
02/29/2000 12:28 PM	11,671	Logging.cpp
02/29/2000 12:28 PM	4,648	Logging.h
02/29/2000 12:28 PM	34,767	Registry.cpp
02/29/2000 12:28 PM	8,432	Registry.h
02/29/2000 12:28 PM	3,370	registryBase.cpp
02/29/2000 12:28 PM	815	registryBase.h
02/29/2000 03:23 PM	475	Resource.h
02/29/2000 03:23 PM	315	StdAfx.cpp
02/29/2000 03:23 PM	3,144	StdAfx.h
02/29/2000 03:23 PM	663	threadMain.cpp
02/29/2000 03:23 PM	264	threadMain.h
02/29/2000 03:23 PM	1,807	threadMonitor.cpp
02/29/2000 03:23 PM	1,539	threadMonitor.h
02/29/2000 03:23 PM	1,110	wndMonitor.cpp
02/29/2000 03:23 PM	1,352	wndMonitor.h
02/29/2000 03:23 PM	17,873	wndMonitorISP.cpp

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02/29/2000 03:23 PM   2,457 wndMonitorISP.h

02/29/2000 03:23 PM   1,113 zipUtil.cpp

02/29/2000 03:23 PM   504 zipUtil.h

Directory of C:\stephene\Patent3\Lifeclinic\LCServices\LCKioskServer

02/29/2000 12:28 PM   4,596 Encryptor.cpp

02/29/2000 12:28 PM   982 Encryptor.h

02/29/2000 12:28 PM   4,224 filenameDelimited.cpp

02/29/2000 12:28 PM   2,463 filenameDelimited.h

02/29/2000 03:24 PM   18,368 LCKioskServer.aps

02/29/2000 03:24 PM   837 LCKioskServer.clw

02/29/2000 03:24 PM   12,182 LCKioskServer.cpp

02/29/2000 03:24 PM   439 LCKioskServer.idl

02/29/2000 03:24 PM   2,584 LCKioskServer.rc

02/29/2000 03:24 PM   189 LCKioskServer.rgs

02/29/2000 03:24 PM   255 LCKioskServerps.def

02/29/2000 03:24 PM   526 LCKioskServerps.mk

02/29/2000 12:28 PM   11,671 Logging.cpp

02/29/2000 12:28 PM   4,648 Logging.h

02/29/2000 12:28 PM   34,767 Registry.cpp

02/29/2000 12:28 PM   8,432 Registry.h

02/29/2000 12:28 PM   3,370 registryBase.cpp

02/29/2000 12:28 PM   815 registryBase.h

02/29/2000 03:24 PM	475	Resource.h
02/29/2000 03:24 PM	315	StdAfx.cpp
02/29/2000 03:24 PM	2,875	StdAfx.h
02/29/2000 03:24 PM	1,320	threadMain.cpp
02/29/2000 03:24 PM	296	threadMain.h
02/29/2000 03:24 PM	1,427	threadProcessor.cpp
02/29/2000 03:24 PM	1,509	threadProcessor.h
02/29/2000 03:24 PM	1,400	threadReceiver.cpp
02/29/2000 03:24 PM	1,492	threadReceiver.h
02/29/2000 03:24 PM	2,123	threadServer.cpp
02/29/2000 03:24 PM	1,750	threadServer.h

13.   Many of these files contain the same file names as the files submitted with the Declaration submitted October 27, 2006. The files listed above and submitted October 27, 2006 are many cases identical or substantially identical in content, while in other cases reflect the development of computer code that proceeded from February 29, 2000 to April 24, 2000.

14.   The development of the computer files attached as Exhibit A unquestionably began well before December 24, 1999, and continued diligently through February 29, 2000. Given the detail and extensive volume of the computer code as it existed in January or February of 2000 at the time of the server crash, it is manifestly evident that creation of the code must have and did date back several months, well before the December 24, 1999 filing date of Harris.

15.   Our development of the invention prior to the December 24, 1999 Harris filing date is also evidence by the attached Exhibits B, C, and D.

16. Attached hereto as Exhibit B is a technical specification describing our efforts to reduce the invention to practice. Exhibit B is a 12-page document, with page 1 missing and currently unavailable. The chart at page 3 indicates that the document is contemporaneous with the period of late August of 1999, well before the Harris filing date. On information and belief, Exhibit B represents our efforts in August of 1999 to develop a command system for moving and storing data collected on a kiosk to a central computing system. The Table of Contents at page 2 of the document reflects that we had conceived of and were working on a program intended for use over the Internet by access through the Spacelabs website. (See page 4 of Exhibit A) The following commands and operations were conceived of and were being worked on at the time:

    a.   The display of a health track page,

    b.   Entry of new health data,

    c.   Creation of new users,

    d.   Entry of new user data,

    e.   Display of a blood pressure chart,

    f.   Display of a pulse chart,

    g.   Display of a weight chart,

    h.   Display of user data,

    i.   Password registration and changes, and

    j.   Blood pressure monitoring.

17. Attached hereto as Exhibit C is a print-out of a sample data transfer between a Vita-Stat machine and the Lifeclinic.com web server. The name "Vita-Stat" was applied in reference to kiosks. The code represented in Exhibit C was intended to facilitate the transfer of multiple users' data, including multiple blood pressure records, as stated at the bottom of page 1

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of Exhibit C. The "sample data" listing at pages 4-5 of Exhibit C indicates that the code was generated on or about November 23, 1999. On information and belief, this date is accurate and true and contemporaneous with the generation of the document.

18.   Attached as Exhibit D is a press release from the Seattle Post-Intelligencer dated December 9, 1999, in which it is reported that Lifeclinic.com, the former assignee of record, had "a newly launched Web site that links consumers to over 10,000 kiosks in pharmacies that monitor vital signs." On information and belief, the above statement made in the press release is accurate and true.

19.   With regard to claim 1, Exhibits B, C, and D clearly represent conception and reduction to practice of a method for distributing user information for registered users from a central computer system to collection kiosks. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B, pages 7-9. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. The bottom of page 1 of Exhibit C states that the XML format allowed for "multiple user's [sic] data" to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The user data is also associated with medical information at the Vita Stat machines, demonstrating the intent to store medical information at the remote computer system for later identification.

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The system further included passwords for verifying that the user was registered. See Exhibit B, page 11.

20. With regard to claim 2, file transfer protocol ("FTP") as a standard protocol and tool known and widely used at the time of conception, and was commonly used in connection with XML formatted data. Prior to December 24, 1999 we intended to use this protocol for transferring information between the central computer system and the Vita Stat machines.

21. With regard to claim 3, page 6 of Exhibit B describes the creation of a new user, while page 11 of Exhibit B describes changing of the user password.

22. With regard to claim 4, the sending of a request once a day is an arbitrary time selected by the invetors.

23. With regard to claim 5, the user password and identifier are represented by "password" and "user_login" at page 6 of Exhibit B.

24. With regard to claim 6, Exhibits B, C, and D evidence conception and/or reduction to practice of a computer system for processing medical information. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B, pages 7-9. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. With regard to the verification of whether a user is registered, page 5 of Exhibit B describes that a page which is displayed "if a member is registered." The bottom of page 1 of

Exhibit C states that the XML format allowed for "multiple user's [sic] data" to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The user data is also associated with medical information at the Vita Stat machines, further demonstrating the intent to store medical information at the remote computer system for later identification.

25.   With regard to claim 7, Exhibits B, C, and D clearly represent conception and reduction to practice of an information collection system, in particular a computer system for processing medical information, such as blood pressure and weight of users. The central computer system is represented by the "web server" specified at page 1 of Exhibit C. The ability of the central computer system "server" to act as a repository is an inherent feature of a server, and implicit from the transfer of data from the central computer system to the collection kiosks, as described below. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C, page 2 includes a tag for "UNIT_ID," which was created with the intention of permitting the central computer system to interact with a plurality of remote computer systems. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. The bottom of page 1 of Exhibit C states that the XML format allowed for "multiple user's [sic] data" to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command

structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The system further included passwords for verifying that the user was registered. See Exhibit B, page 11. User verification is also evident from Exhibit B, page 5, which describes the display of information "if a member is registered."

26.   With regard to claim 8, the user data is associated with medical information at the Vita Stat machines. See Exhibit B, pages 7-9.

27.   With regard to claim 9, Exhibits B, C, and D clearly represent conception and reduction to practice of a computer-based method for collecting medical information of users of a web-site. The central computer system is represented by the "web server" specified at page 1 of Exhibit C. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C, page 2 includes a tag for "UNIT_ID," which was created with the intention of permitting the central computer system to interact with multiple of remote computer systems. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B, pages 7-9. The system further included passwords for verifying that the user was registered. See Exhibit B, page 11. User verification is also described at page 5 of Exhibit B, which states that a display is returned "if a member is registered." Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. Exhibit C illustrates a protocol for sending the medical information as output to the user when the correct input information has been entered. Web-site accessibility is evident from Exhibit D, which describes a website that links consumers to over 10,000 kiosks.

28.   With regard to claims 10-12, automatic and periodic updating was a contemporaneous concept of ours.

29.   With regard to claim 13, the provision of medical information specific to registered users is shown by the login-user identifications and associated fields of information described in Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer

system als‹ specified at page 1 of Exhibit C. The ISLXmlControl.GetUserData command ;tructure at page 10 of Exhibit A was designed to permit the transfer of stored medical d: ta between the remote and central computer systems.

30   We hereby declare that all statements made herein of our knowledge are true and a: l statements made on information and belief are believed to be true; and further that these ;tatements were made with the knowledge that willful false statements and the like so m: de are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Jnited States Code and that such willful false statements may jeopardize the validity o ` the above-captioned patent application or any patent issued thereon.

Billy W. Hensley   7-12-2007
B lly W. Hensley

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